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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,502	05/31/2001	Johann Pramberger	DE919990100US 1	9777

7590   05/03/2006

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EXAMINER
NAHAR, QAMRUN

ART UNIT	PAPER NUMBER
2191	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/871,502	PRAMBERGER, JOHANN
	Examiner	Art Unit
	Qamrun Nahar	2191

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>31 January 2006</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-36</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-36</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>31 January 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the RCE filed on 1/31/06.

2.   The objection to the drawings is withdrawn in view of applicant's submission of

replacement sheet.

3.   The rejection under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah (U.S.

6,256,773) to claims 1-2, 5-8, 17-18, 21-24 and 33-36 is withdrawn in view of applicant's

amendment.

4.   The rejection under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (U.S.

6,256,773) in view of Goiffon (U.S. 6,226,792) to claims 3-4, 9-16, 19-20, and 25-32 is

withdrawn in view of applicant's amendment.

5.   Claims 1, 17, 34 and 36 have been amended.

6.   Claims 1-36 are pending.

Response to Amendment

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

8.   Claims 1-2, 5-8, 17-18, 21-24 and 33-36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bowman-Amuah (U.S. 6,256,773) in view of Bae (U.S. 6,295,531).

Per Claim 1 (Amended):

Bowman discloses utilizing a common software configuration markup language (col. 8,

lines 10-14, "utilizes markup language") in a computer system including at least one server

which is connected to a plurality of client computers, the server having a memory (Fig. 1, col. 3,

lines 23-43, "system", "network", "RAM") for storing product elements which may be linked

together to form at least one version of a software package (col. 53, lines 59-64, "objects are

stored"- must be stored in system in memory - wherein objects are consistent with software

components or product elements, as suggested in col. 5 lines 32- 37 "software... components, ...

available to the developer as objects"-), and further for storing processes usable by the clients to

at least one of maintain the product elements and develop new product elements (col. 49, lines

49-51, "store... process"), and tools usable by the clients to at least one define, maintain and

update relations between product elements (col. 2, lines 28-43, "tools for managing... versions";

col. 26, lines 25-37 "processes associated with version control", "applies to software

components"); wherein the common software configuration markup language is useable by a

cooperating team on the plurality of client computers to define a project, perform a memory

access to at lest one of product elements and packages, map one or more of the processes and

tools to one or more library systems, and define relations between the product elements, allowing

for the editing of product elements at individual client computers to form different versions of a

software package (col. 25 line 39 to col. 26, line 26, "... HTML scripts, and Java applets." HTML

is interpreted as the "common software configuration markup language".).

However, Bowman-Amuah fails to teach allowing for the editing in at least one language

independent of the common software configuration markup language. Bae teaches allowing for

the editing in at least one language independent of the common software configuration markup

language (col. 3, line 58 to col. 4, line 7; and col. 4, line 31 to col. 5, line 15).

It would have been obvious to one having ordinary skill in the computer art at the time of

the invention was made to modify the method disclosed by Bowman-Amuah to include allowing

for the editing in at least one language independent of the common software configuration

markup language using the teaching of Bae. The modification would be obvious because one of

ordinary skill in the art would be motivated to access a legacy database (Bae, col. 3, lines 34-55).

Per Claim 2:

Rejection of claim 1 is incorporated and further, Bowman teaches generating and storing

a project definition which defines data flow, process flow and process definition of a project by

using the common software configuration markup language (col. 25, lines 57-60); generating and

storing the software configuration framework by using the project definition and the process

definition to describe the product elements and processes and define their access parameters and

their relations (col. 25, line 57 to col. 26, line 4); mapping of the product elements, processes and

tools to the one or more library systems by using the common software configuration markup

language (col. 26, lines 5-17); storing the product elements, processes and tools in the memory of

the at least one server and assigning the product elements, processes and tools in storage to the

software configuration framework (col. 49, lines 49-51, "A repository can store... process,

development objects..." -wherein the repository resides in the "Integrated Development

Environment Architecture... framework... processes, and tools." col. 9 lines 31-40- wherein the

framework is stored in memory); and Bae further teaches calling selected ones of the product

elements, tools and processes by at least one of the clients using commands of the common

software configuration markup language, whereby another programming language may be used

to at least one of develop, update and test the contents of the product elements called (col. 3, line

58 to col. 4, line 7; and col. 4, line 31 to col. 5, line 15).

Per Claims 5-8:

Bowman-Amuah further teaches the limitations recited in claims 5-8, wherein all claim

limitations have been addressed and/or covered in cited areas as set forth in the previous Office

Action (Mailed on 09/03/2004, par. 18-21).

Per Claims 17 and 34 (Amended):

Claims 17 and 34 recite limitations as recited in claim 1, therefore, claims 17 and 34 are

rejected under the same rationale as claim 1.

Per Claims 18 and 35:

Claims 18 and 35 recite limitations as recited in claim 2, therefore, claims 18 and 35 are

rejected under the same rationale as claim 2.

Per Claims 21-24:

Bowman-Amuah further teaches the limitations recited in claims 21-24, wherein all claim

limitations have been addressed and/or covered in cited areas as set forth in the previous Office

Action (Mailed on 09/03/2004, par. 24-27).

Per Claim 33:

Claim 33 recites limitations as recited in claims 1 and 2, therefore, claim 33 is rejected under the same rationale as claims 1 and 2.

Per Claim 36 (Amended):

Claim 36 recites limitations as recited in claims 1 and 2, therefore, claim 36 is rejected under the same rationale as claims 1 and 2.

9.   Claims 3-4, 9-16, 19-20, and 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (U.S. 6,256,773) in view of Bae (U.S. 6,295,531), and further in view of Goiffon (U.S. 6,226,792).

Per Claim 3:

The combination of Bowman-Amuah, Bae and Goiffon further teaches the limitations recited in claim 3, wherein all claim limitations have been addressed and/or covered in cited areas as set forth in the previous Office Action (Mailed on 09/03/2004, par. 30).

Per Claim 4:

Rejection of claim 1 is incorporated, and further claim 4 recites limitations already discussed in connection with claim 3, therefore, see rejection of claim 3 in the previous Office Action (Mailed on 09/03/2004, par. 30).

Per Claims 9-15:

The combination of Bowman-Amuah, Bae and Goiffon further teaches the limitations

recited in claims 9-15, wherein all claim limitations have been addressed and/or covered in cited

areas as set forth in the previous Office Action (Mailed on 09/03/2004, par. 32-38).

Per Claim 16:

Rejection of claim 11 is incorporated, and further as discussed in connection to claims 1

and 7, it is obvious over the disclosures of Bowman and Goiffon wherein one of the distributed

systems is used as a master system, the memory of which contains project definition and process

definition data in the common software configuration markup language, the data being used by a

control program to initiate the software configuration framework (see Bowman, Figs. 1, and 10;

Goiffon, Figs. 1, 2A, and 2B).

Per Claim 19:

The combination of Bowman-Amuah, Bae and Goiffon further teaches the limitations

recited in claim 19, wherein all claim limitations have been addressed and/or covered in cited

areas as set forth in the previous Office Action (Mailed on 09/03/2004, par. 40).

Per Claim 20:

Claim 20 recites limitations as recited in claim 4, therefore, claim 20 is rejected under the

same rationale as claim 4.

Per Claims 25-32:

The combination of Bowman-Amuah, Bae and Goiffon further teaches the limitations

recited in claims 25-32, wherein all claim limitations have been addressed and/or covered in

cited areas as set forth in the previous Office Action (Mailed on 09/03/2004, par. 42-49).

Response to Arguments

10.   Applicant's arguments with respect to claims 1-36 have been considered but are moot in

view of the new ground(s) of rejection.

In the remarks, the applicant argues that:

a)   Bowman even discredits the use of a markup language such as HTML.

Examiner's response:

a)   Even if Bowman discredits the use of a markup language such as HTML, Bowman still

teaches the use of a markup language such as HTML in the preferred embodiment (see col. 8,

lines 10-14). In addition, see the rejection above in paragraph 8 for rejection to claims 1, 17 and

34.

Conclusion

11.   Any inquiry concerning this communication from the examiner should be directed to

Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be

reached on Mondays through Fridays from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wei Y Zhen, can be reached on (571) 272-3708. The fax phone number for the

organization where this application or processing is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QN
April 20, 2006

WEI ZHEN
SUPERVISORY PATENT EXAMINER